

United States  
Department of the Interior  
Bureau of Land Management  
Eugene District Office

CATEGORICAL EXCLUSION REVIEW

**Background:** BLM land on Badger Mountain (Lot 7, Section 35, T. 17 S., R. 7 W, Will. Mer.) is the location of an established BLM communication site, as referenced on page 95 and Map 11 (Communication Sites and Right of Way Corridors), of the Record of Decision and Resource Management Plan, Eugene District June, 1995 (RMP).

Existing facilities at the Badger Mountain Communication Site currently include six existing buildings, three towers with antennae mounted on them, a graveled access road, and an aerial powerline serving the communications facilities at the site. The current right-of-way uses authorized by the BLM on Badger Mountain include:

1. OR 55473 (Verizon Wireless): cellular telephone operation, owns 1 building and 1 tower which is enclosed within a chainlink fence.
2. OR 48253 (AT&T Wireless): cellular telephone operation, owns 1 building and uses the Verizon Wireless tower for antennae mounting.
3. OR 34510 (Oregon Department of Forestry): private mobile radio operation, owns 1 building and 1 tower.
4. ORE 02880 (Bonneville Power Administration): microwave relay operation, owns 3 buildings and 1 tower enclosed within a chainlink fence.
5. OR 02976 (EPUD): operates the aerial powerline running to the communication site.

The BLM land that the Badger Mountain Communication Site is located on is managed under standards, guidelines, and objectives established in the RMP for the General Forest Management Area land use allocation.

The Badger Mountain Communication Site Management Plan (The Plan) was approved September 24, 1985, with the intent of guiding the orderly development of communication facilities at Badger Mountain while economically utilizing available space. From time to time, the BLM receives inquiries from wireless communications companies about locating facilities at the Badger Mountain Communication Site.

**Proposed Action:** In November, 2003, Nextel West Corporation, dba Nextel Communications, filed a right-of-way application with the BLM for the purpose of establishing a cellular telephone operation at the Badger Mountain Communication Site. Since no excess existing space is available within the existing buildings, the applicant is proposing to place its own 7' X 13' prefabricated building upon the cement foundation at the base of the Verizon tower. Nextel Communications proposes to use existing excess space on the Verizon tower for the mounting of all necessary antennae for the operation. To power the operation, the prefabricated building would be connected to the existing aerial powerline via a short run (approximately 130 feet) of buried electrical cable crossing beneath the existing access road and extending to powerpole #355501. The existing chain link fence around the base of the Verizon tower would be modified to accommodate the Nextel building (i.e., rearrangement of gates in the fence). The lease area Nextel has applied for overlaps the lease areas for similar uses already authorized by OR 55473 and OR 48253. Refer to the attached plan drawing for the Nextel proposal.

**The proposed action is to issue a BLM right-of-way grant (OR 59637) to Nextel West Corp.** The right-of-way grant would 1.) have a term of 10 years, 2.) be issued in accordance with the regulations found in 43 CFR 2800, 3.) be issued on Bureau form 2800-18, and 4.) include subleasing rights. Rental charges would be assessed in accordance with 43 CFR 2803.1-2(d). All construction involved with the proposal will be in accordance with local building and electrical codes, as regulated through Lane County's building permit system.

Conditions of the County's permitting system will include a requirement 1.) to construct a fuel break around the facilities as specified in the Lane County Code 16.264, Section 5(h):

"In Forest zones, a fuel break shall extend 50 feet in all directions surrounding ancillary facilities containing propane or gas-powered generating facilities. Vegetation within the fuel break may allow low shrubs (less than 24 inches in

height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Nonflammable materials (i.e., rock) shall be placed next to the ancillary facilities.”

and 2.) to abide by the fire-fighting access road requirements spelled out in Lane Code 16.264, Section 5(g):

“In Forest zones, access from private roads and driveways shall comply with the Fire Safety Design Standards of LC 16.211(8)(e).”

The fuel break requirement will be incorporated into the special provisions of the right-of-way grant issued. Construction of the fuel break would require the removal of approximately half a dozen Douglas fir trees, approximately 50 feet tall and 12-14 inches in diameter, along with cutting of some underbrush more than 24 inches in height. The cut material would be lopped and scattered in an adjoining forested area outside the fuel break.

The access road situation has been reviewed by the responsible fire protection authority for Badger Mountain (Oregon Department of Forestry-Western Lane District-Tom Soward) and road access, as it exists, has been deemed by Western Lane to be adequate for their fire protection purposes.

**Decision:** It is my decision to issue right-of-way grant OR 59637 to the Nextel West Corp. dba Nextel Communications, for a 10-year term, under the regulations of 43 CFR 2800, including a provision to provide consistency with the Lane County Code regarding fuel breaks, as described above.

**Rationale:** The proposed action qualifies as a categorical exclusion as described in the Departmental Manual (516 DM 6.5, Appendix 5.4 E12, E16, and C2) and does not meet any of the exception criteria.

E(12) reads as follows: Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.

E(16) reads as follows: Acquisition of easements for and existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

C(2) reads as follows: Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.

The decision to issue the right-of-way grant is consistent with criteria spelled out on page 95 of the Record of Decision and Resource Management Plan, Eugene District June, 1995, as well as with The Badger Mountain Communication Site Management Plan. A notice was sent to all existing right-of-way holders on Badger Mountain, inviting them to express concerns about the Nextel Communications proposal. No comments were received.

Nextel Communications has met all the requirements for filing an application for a right-of-way on BLM land, as spelled out in 43 CFR 2800.

Rental charges will be calculated for the right-of-way grant in accordance with 43 CFR 2803.1-2.

Prepared By: /s/ David Schroeder  
Realty Specialist

Date: 12/24/03

Reviewed by: /s/ Gary Hoppe  
Planning & Environmental Coordinator

Date: 1/7/04

Approved By: /s/ Steven Calish  
Siuslaw Field Manager

Date: 1/7/04

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT

1791A  
CE-04-07

CATEGORICAL EXCLUSION REVIEW  
Exception Criteria Review Checklist

Proposed Action: Issuing right-of-way grant OR 59637, which authorizes Nextel Communications to construct, operate, maintain, and terminate a cellular telephone operation in concert with existing facilities located at BLM's Badger Mountain Communication Site.

Review the proposed action against each of the ten criteria listed below. If the project meets one or more of the criteria, it is an exception from categorical exclusion and MUST be analyzed in an EA or EIS. To qualify as a Categorical Exclusion the proposed action may not meet any of the criteria. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Exception Criteria		Comments
1.	Have significant adverse effects on public health or safety	No.
2.	Have adverse effects on unique resources (i.e., parks, recreation, refuge lands, wilderness areas, wild or scenic rivers, wetlands, floodplains, etc.)	No.
3.	Have highly controversial environmental effects	No.
4.	Have highly uncertain environmental effects or involve unique or unknown environmental risks	No.
5.	Establish a precedent that could result in significant impacts	No.
6.	Be directly related to other actions having cumulatively significant effects	No.
7.	Have adverse effects on cultural or historical resources	No.
8.	Have adverse effects on species listed or proposed as threatened or endangered or have adverse effect on designated critical habitat for these species.	No.
9.	Require compliance with E.O. 11988 (floodplain management), E.O. 11990 (protection of wetlands), or the Fish & Wildlife Coordination Act	No.
10.	Threaten to violate Federal, State, Local or Tribal law or requirements imposed for the protection of the environment	No.
Mitigation measures needed to qualify as CE:		
None.		

Reviewed By: /s/ Gary Hoppe

Date: 1/7/04

Above measures have been adopted and will be implemented.

Field Manager: /s/ Steven Calish

Date: 1/7/04